

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:20-cr-00113-CDS-EJY

Plaintiff,

ORDER

v.

MARIO DEMARLO ALSTON,

Defendant.

Before the Court is Defendant's Motion for Leave to File a Late Notice of Appeal. ECF No. 68. Under Federal Rule of Appellate Procedure 4(b)(4), "[u]pon a finding of excusable neglect or good cause, the district court may—before or after the time has expired, with or without motion and notice—extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b)." Unfortunately, Defendant's Motion contains no substantive evidence supporting a finding of good cause or excusable neglect. Instead, the Motion offers speculation by defense counsel. *Id.* at 3-4. Thus, the Court has insufficient information upon which to make the determination required by law.

Accordingly, IT IS HEREBY ORDERED that Defendant **must**, within 14 days of the date of the Order, file supplemental materials supporting Defendant's contention that he was prohibited from filing a timely notice of appeal. Such materials may, but do not necessarily need to, include Defendant's declaration, records of Defendant's move, or anything else Defendant believes will assist the Court in determining good cause or excusable neglect.

Dated this 9th day of November, 2022.


ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE